

On August 16, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16907. Adulteration of sweet pickles. U. S. v. 42 Cases of Sweet Pickles. Default order of destruction entered. (F. & D. No. 22999. I. S. No. 01443. S. No. 1076.)

On August 18, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of sweet pickles, remaining in the original unbroken packages at Paducah, Ky., alleging that the article had been shipped by the Louis Maull Co., St. Louis, Mo., on or about June 21, 1928, and transported from the State of Missouri into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jars) "Top Notch * * * Sweet Pickles * * * Packed by L. Maull Co., * * * St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or other added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On August 22, 1929, a decree was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16908. Adulteration of canned frozen eggs. U. S. v. Paul Kalb. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 23712. I. S. No. 12112-x.)

On April 17, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Kalb, Toledo, Ohio, alleging shipment by said defendant, in violation of the food and drugs act, on or about May 7, 1928, from the State of Ohio into the State of Michigan, of a quantity of canned frozen eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 20, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$200 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16909. Adulteration and misbranding of vinegar. U. S. v. 19 Cases of Apple Cider Vinegar, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22998. I. S. Nos. 01441, 01442. S. No. 1077.)

On August 21, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 19 cases of apple cider vinegar, and 19 cases of evaporated apple vinegar, remaining in the original unbroken packages at Paducah, Ky., alleging that the articles had been shipped by the Louis Maull Co., St. Louis, Mo., in part on or about September 15, 1927, and in part on or about June 21, 1928, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Pint bottles) "Top Notch Apple Cider Vinegar One Pint Reduced to 4% Acid Strength. Packed by L. Maull Co. * * * St. Louis, Mo.;" (jugs) "Top Notch Evaporated Apple Vinegar 1/2 Gallon. Reduced to 4% Acid Strength. Packed by L. Maull Co., * * * St. Louis, Mo."

Adulteration was alleged in the libel with respect to the apple cider vinegar for the reason that substances, water and distilled water (distilled vinegar),

had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to the evaporated apple vinegar for the reason that a substance, corn sugar vinegar, had been substituted wholly for the said article.

Misbranding was alleged with respect to the apple cider vinegar for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package cartons; in that the statement on the bottle label, "Vinegar Apple Cider Reduced to 4% Acid Strength," was false and misleading and deceived and misled the purchaser; and in that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the evaporated apple vinegar for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package cartons, in that they were incorrectly marked; in that the statement on the label, "Evaporated Apple Vinegar Reduced to 4% Acid Strength," was false and misleading and deceived and misled the purchaser; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On August 17, 1929, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16910. Adulteration of shell eggs. U. S. v. Earl Compton (Manassas Produce Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 23710. I. S. No. 03393.)

On March 9, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the district aforesaid, holding a District Court, an information against Earl Compton, trading as the Manassas Produce Co., Washington, D. C. alleging that the said defendant had sold and offered for sale in the District of Columbia, on or about August 10, 1928, in violation of the food and drugs act, a quantity of shell eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 3, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16911. Adulteration of vinegar and prepared mustard. U. S. v. Louis Maull Co. Food Products Co. Pleas of guilty. Fines, \$125. (F. & D. Nos. 23730, 23735. I. S. Nos. 23710-x, 25303-x, 25304-x, 26282-x, 26283-x, 01441, 01442.)

On April 12 and September 5, 1929, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Louis Maull Co. Food Products Co., St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, between the approximate dates of June 8, 1927, and June 21, 1928, from the State of Missouri into the States of Kentucky, Illinois, and Iowa, respectively, of quantities of vinegar and mustard, which were adulterated. A portion of the said vinegar was contained in barrels labeled in part: "Evaporated Apple Vinegar Louis Maull Co. Reduced to 40 Grain St. Louis, Mo." The remainder of the said vinegar was contained in bottles labeled in part: "Top Notch Vinegar Apple Cider (or "Evaporated Apple") Reduced to 4% Acid Strength Packed by L. Maull Co. Food Products Co. St. Louis, Mo." The prepared mustard was labeled in part: "Top Notch Prepared Mustard * * * Packed by L. Maull Co. Food Products Co. St. Louis, Mo."

Adulteration was alleged in the information with respect to a portion of the evaporated apple vinegar for the reason that a substance, to wit, corn sugar vinegar, had been substituted wholly for evaporated apple vinegar which the article purported to be. Adulteration was alleged with respect to the remaining vinegars for the reason that substances, namely, distilled vinegar and water, with respect to a portion of the apple cider vinegar; a mixture of